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10/563,044

05/08/2006

Richard L. Thelen

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7590 10/31/2007  
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EXAMINER

MILLER, SAMANTHA A

ART UNIT

PAPER NUMBER

3749

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/563,044

Applicant(s)

THELEN, RICHARD L.

Examiner

Samantha A. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

Response to Amendment Receipt of applicant's amendment filed on 7/19/2007 is acknowledged.

### ***Election/Restrictions***

Newly submitted claim 23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Now claiming an aircraft, a fuselage, wings, a wing-receiving portion, and a fuselage-receiving portion not in original invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 23 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

The amendment filed 7/19/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the wing-receiving portion and fuselage-receiving portion added in drawings and specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The wing-receiving portion, and a fuselage-receiving portion were not in the original specification or addressed in the original drawings.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-15, and 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (4,926,746). Smith teaches in the specification and Figs. 1-38 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

Smith teaches:

1. An end wall (wall of 22, Fig.3) the end wall having an opening, said opening adapted to allow the ingress and egress of the aircraft (col.30 ll.15-21); a first side wall segment (right sidewall of 22, Fig.3), adjacent to said end wall; a second side wall segment (left sidewall of 22, Fig.3), opposing said first side wall segment; a third side wall segment (right sidewall 13 and 20, Fig.3) adjacent to said first sidewall segment, said third sidewall segment is stepped inward from said first sidewall segment (Fig.3); a fourth sidewall segment (left sidewall 13 and 30, Fig.3) adjacent to said second sidewall segment (Fig.3), said fourth sidewall segment being stepped inward from said second sidewall segment and opposing said third sidewall segment (Fig.3); a first transitional sidewall segment (Floor of 22 between right sidewall of 22 and right sidewall 13, Fig.3) vertically connecting (by vertically connecting the bottom of 22 to the bottom of 20) the first sidewall segment to the third sidewall segment; a second transitional sidewall segment (Floor of 22 between left sidewall of 22 and left sidewall 13, Fig.3) vertically connecting (by vertically connecting the bottom of 22 to the bottom of 20) second sidewall segment to the fourth sidewall segment; a filtration unit (174) opposing said end wall, said filtration unit adapted to capture paint overspray (col.4 ll.49-57 and col.26 ll.40-42); and a fan unit (149) positioned downstream from said bank of filters, said fan unit adapted to create an airflow through said spray booth (col.25 ll.51-53) the first and second transitional side wall segments for taper-channeling the airflow toward an air outlet area (floor tapers the air from inlets (14) to the smaller outlet (15) shown in Fig.2),

the air outlet area ( 15) being lesser in magnitude than the aircraft-receiving area for accelerating the airflow (an inherent reaction since the airflow's outlet area is less than the inlet area due to Berloni's law, Fig.2) and enhancing aircraft painting and stripping.

2.A carbon filter (174) bank (col.4 I.49-57 and col.26 II.40-42) to remove VOC's and odors.

3.A recirculating air system (Fig.30) (col.25 II.64-67).

4. The heated air (24) is provided within the booth to cure the paint of a recently painted object (col.17 II.59-67).

5. The first wall segment includes lighting (16) to illuminate the aircraft (col.19 II.49-52).

6. The second wall segment includes lighting (16) to illuminate an aircraft (col.19 II.49-52).

7. The width between the third and fourth side walls is from about 1/2 to about 2/3rds less than the width between the first and second side walls (Fig.3).

8. The end wall includes a plurality of doors adapted to enclose the aircraft within the spray booth (col.30 II.15-21).

9. An air entryway adapted to permit the ingress and egress of aircraft, the entryway comprising an aircraft-receiving area (col.30 II.15-21); an airflow generation unit (149) adapted to move air through the booth (col.25 II.51-53); an end wall (wall of 22, Fig.3), opposing the entryway, the end wall comprising an air outlet area (15, which is surrounded by 22) and including a filtration system (174) adapted to remove airborne contaminants (col.4 II.49-57 and col.26 II.40-42); the booth having sidewalls formed to

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have a first section (width of building 22, Fig.3) with a maximum first width defining the aircraft receiving area and a second section (width of walls 13, Fig.13) with a second maximum width the maximum second width defining an air outlet area (15) the maximum first width being approximately 2/3rds greater than the second width (Fig.3) such that the airflow rate (produced by fan 36, Fig.3) in the maximum second width the tapered sidewalls for taper-channeling (by pulling air from (14) and tapering it to outlet (15), Fig.2) moving air toward the air outlet area (15) for accelerating a booth-contained airflow (an inherent reaction since the airflow's outlet area is less than the inlet area due to Berloni's law, Fig.2) and enhancing aircraft painting and stripping.

10. The entryway includes doors adapted to seal the entryway to the booth (col.30 ll.15-21).

11. The filtration (174) system includes a plurality of removable filtration units (col.5 ll.15-16, teaches mounting filters so must be removable).

12. The sidewalls include a plurality of lights (16) adapted to illuminate the aircraft (col.19 ll.49-52).

13. The booth includes an air intake (27) to permit air to enter the booth (col.18 ll.1-3) (Fig.3).

14. The side walls include a tapered section to transition from the first section to the second section (entry between 189, 190, and 191) (Fig.32-33) (col.27 ll.37-40).

Regarding claims 15-22, refer to the rejection of claims 1-14.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Barlett (5,165,969). Smith teaches the invention as discussed above. However, Smith does not teach an oxidizer.

Barlett teaches:

2. A fume oxidizer (50) to remove VOC's and odors (Abstract and col.9 ll.39-45).

16. A fume oxidizer (50) to remove VOC's and odors (Abstract and col.9 ll.39-45).

Therefore it would have been obvious to one skilled in the art at the time the invention was made in order to use Barlett's oxidizer with Smith's spray booth to rid VOC's from a paint booth atmosphere (Barlett, Abstract)

***Response to Arguments***

Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. In this case no arguments have been made to address and the rejections of claims 1-22 has been deemed proper.



### Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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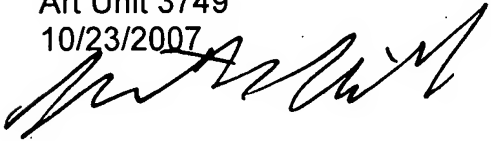
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller

Examiner

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10/23/2007



STEVE MCALLISTER  
SUPERVISORY PATENT EXAMINER